REMARKS

Presently, claims 1-4 and 15-23 are pending in this application. Claims 5-14 have been previously canceled. Independent claims 1, 15, 16, and 23 have been amended. Support for the amendments to claims 1, 15, 16, and 23 may be found, for example, in original claim 1 and page 2, lines 22-33, and page 3, lines 1-7 of the specification. Therefore, no new matter has been added to the application by the foregoing amendments.

Specification

The Examiner objected to the disclosure because it contains an embedded hyperlink and/or other form of browser-executable code. Applicants have amended the specification, such that the included hyperlink has been removed. Applicants respectfully request that the Examiner withdraw the objection.

The specification has also been amended to include a proper priority claim. This application is a proper 35 U.S.C. 371 National Stage Application of International Application No. PCT/US99/28600 that was copending therewith. Accordingly, the specification has been amended to list the parent applications in accordance with 37 C.F.R. 1.78.

Claim Rejection – § 112

The Examiner has rejected claims 1, 15, 16, and 23 under 35 U.S.C. § 112, second paragraph as being indefinite. In reference to claim 1, the Examiner states that it is "unclear if the viewing sessions in steps a and b are the same viewing sessions..." Claim 1 has been amended to clarify that the viewing sessions that are monitored are the same viewing sessions that are clustered.

The Examiner also states that it is "unclear how the clustering of the viewing sessions are representative of subscriber selection data and can occur before obtaining the

prior viewing sessions." Applicants point out that claim 1 does not recite that "clustering of the viewing sessions are representative of subscriber selection data." Instead claim 1, recites that the "common identifier" is "representative of subscriber selection data." Regardless, for clarification, claim 1 has been amended to read "wherein the common identifier is representative of subscriber selection data." Furthermore, claim 1 does not recite that the clustering occurs before the obtaining of the prior viewing sessions. Instead, claim 1 recites that "the clustering occurs independently of characteristics established prior to the monitoring of step (a)." In other words, the clustering occurs independently of characteristics established before the monitoring of viewing sessions. Claim 1 does not recite that clustering occurs before obtaining prior viewing sessions.

In reference to claims 15, 16, and 23 the Examiner states that it is "unclear if the viewing sessions in steps a and b are the same viewing sessions..." Claims 15, 16, and 23 have been amended to clarify this issue. Further, the Examiner states that it is unclear "how the grouping of the viewing sessions are representative of subscriber selection data and can occur before obtaining the prior viewing sessions." Claim 15 and 23 do not recite that "the grouping of the viewing sessions are representative of subscriber selection data" but instead that the sessions are grouped according to at least one common characteristic. Claim 16 recites, that the sessions are grouped according to a common identifier. Furthermore, claim 16 has been amended to more clearly describe how the common identifier is determined: "wherein the at least one common identifier is determined from the subscriber selection data in the plurality of viewing sessions." Claims 15, 16 and 23 do not recite that grouping occurs "before obtaining the prior viewing sessions." Therefore, Applicants contend that it is clear from the language of claims 15, 16, and 23 as to whether the viewing sessions in steps (a) and (b) of each claim are the same viewing sessions. Furthermore, it is clear that the claims do not recite that the "grouping of the viewing sessions are representative of subscriber selection data and can occur before obtaining the prior viewing sessions," but instead that sessions are grouped according to at least one common characteristic/identifier.

Therefore, claims 1, 15, 16, and 23 are believed to particularly point out and distinct claim the subject matter which Applicants regard as their invention.

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Reconsideration and withdrawal of the Examiner's 35 U.S.C. § 112, second paragraph are respectfully requested.

Claim Rejection – § 102 (a)

The Examiner has rejected claims 1-4, and 15-23 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,977,964 to Williams *et al.* ("Williams"). The Examiner contends that Williams teaches all elements of these claims. Applicants respectfully traverse this rejection.

Williams discloses a method and apparatus for automatically configuring a television entertainment system based on a user's monitored system interactions. The system described by Williams monitors user interactions with the system and stores them in a behavior log (column 9, lines 23-27). The system then compares information in the behavior log as well as current system settings with preference information of known users (column 9, lines 27-31). The system in Williams determines "which user of a plurality of known system users is currently using the system..." (column 5, lines 35-38).

Independent claim 1 recites:

> In a data processing system, a method of identifying a subscriber comprising the steps of:
>
> (a)   monitoring a plurality of viewing sessions;
>
> (b)   clustering the plurality of viewing sessions wherein the sessions within a cluster have a common identifier, wherein the common identifier is representative of subscriber selection data, and wherein the clustering occurs independently of subscriber characteristics established prior to the monitoring of step (a); and
>
> (c)   identifying a subscriber as belonging to one of the clusters by comparing a plurality of subscriber selections to the subscriber selection data corresponding to the clusters of viewing sessions.

Williams does not disclose "<u>clustering the plurality of viewing sessions</u> wherein the sessions within a cluster have a common identifier, wherein the common identifier is representative of subscriber selection data, and <u>wherein the clustering occurs independently of subscriber characteristics established prior to the monitoring of step (a)</u>..." The Examiner argues that "Williams clearly teaches independently characterizing the programs prior to the monitoring steps. In Williams the grouping or clustering of the programs is determined in order to match/recommend or offer these programs to the users based on their interests..." Claim 1 recites "<u>clustering the plurality of viewing sessions</u>" and not clustering programs as the Examiner argues. In claim 1, the subscriber is identified "independently of subscriber characteristics established prior" to monitoring viewing sessions. Williams, however requires there to be subscriber characteristics entered in to the system and cannot determine users without this pre-entered data for "known system users." Since Williams configures the system based on which of the "known system users" is using the system, Williams cannot be said to be determining the user "<u>independently of subscriber characteristics</u>" established prior to monitoring viewing sessions. In other words, the system of Williams requires preexisting knowledge of the users that will be interacting with the system so that there is a starting point for determining the user. The clustering of viewing sessions, as recited in claim 1, allows the user to be determined without the need for such pre-entered data.

Furthermore, updating user preference information is not the same as <u>clustering viewing sessions</u>. The Examiner argues that in Williams, viewing sessions are clustered in the user profile database. As can be seen in Fig. 8 of Williams, the user profile database 800, does <u>not</u> contain information related to clustered viewing sessions. Williams' user profile database merely contains a set of preferences related to a particular user profile. This is not a cluster of viewing sessions (nor as represented could the user profile database store a cluster of viewing sessions), but instead table of user preferences.

Further, even if Williams does disclose clustering, Williams cannot be said to teach clustering based on "<u>a common identifier representative of subscriber selection data</u>." In Williams user preference information stored in the user profile database is updated only after the user is identified. Fig. 2 of Williams clearly shows that step 204,

where the "System Controller Determines Which User is Currently Using the System,"
occurs before step 210, where the "System Controller Monitors and Updates User Profile
Information." If the Examiner contends that updating user profile information is
"clustering," then the updating of user profile information in Williams must be based on
which user is identified, not based on "a common identifier representative of subscriber
selection data," as recited in claim 1.

Additionally, Williams does not disclose "identifying a subscriber as belonging to
one of the clusters by comparing a plurality of interactions for the subscriber to the
subscriber selection data contained within the clusters of viewing sessions." Williams
functions by determining "which user of a plurality of known users is currently using the
system" (column 5, lines 35-38). Further, Williams teaches that "In step 304, system
controller 104 compares the information contained in the behavior log as well as the
current system settings with user preference information for at least a subset of the
plurality of entertainment system users" (column 9, lines 28-31). Clearly, Williams
compares user inputs with "user preference information" and does not compare "a
plurality of subscriber selections to the subscriber selection data corresponding to the
clusters of viewing sessions." Further, Williams suggests that there be profiles for
"known system users," that are pre-existing. Claim 1, however, clusters viewing sessions
to use for comparison with subscriber selections. Accordingly, Williams does not
disclose all of the features of claim 1.

Independent claim 15 recites, "...grouping the previous viewing sessions into at
least one session group according to at least one common characteristic, wherein the
grouping occurs independently of characteristics established prior to the obtaining of step
(a)..." and "...comparing said plurality of inputs to said at least one session group..."
Similarly, independent claim 16 recites, "...grouping viewing sessions from said plurality
of viewing sessions according to at least one common identifier in said subscriber
selection data to form at least one session group, wherein the grouping of the viewing
sessions occurs independently of pre-established subscriber profiles..." and "...creating a
probabilistic determination of subscriber profile of said at least one session group based
on the subscriber selection data." Independent claim 23 recites a data processor

configured to "group the previous viewing sessions into at least one session group according to at least one common characteristic, <u>wherein the processor is enabled to function independently of pre-established subscriber characteristics</u>..." For at least the same reasons discussed above with respect to independent claim 1, Williams does not disclose all of the elements of independent claims 15, 16, and 23. Therefore, claims 15, 16, and 23 are believed to be allowable over Williams.

Dependent claims 2-4 and 17-22 are believed to be allowable at least by their dependence on claims 1 and 16, respectively. Therefore, the Examiner's rejection of claims 1-8, 10-13, and 15-23 has been overcome. Reconsideration and withdrawal of the Examiner's §102(a) rejection of claims 1-8, 10-13, and 15-23 are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 1-4 and 15-23, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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